

Court No. 1:17-CR-10265-001-DJC

APPLICATION FOR WRIT OF GARNISHMENT

Pursuant to 28 U.S.C. § 3205(b)(1)¹, the Federal Debt Collection Procedures Act, the United States petitions the Clerk of the United States District Court to issue a Writ of Garnishment upon all funds which the Garnishee, JPMorgan Chase Bank, N.A. (the “Garnishee”), located in Boston, MA, is believed to be in possession or control of on behalf of the Defendant, Sally Ann Johnson, (the “Defendant”) whose last known address is in Alderson, WV, to satisfy a judgment entered against the Defendant on January 17, 2018. In support, the United States sets forth the following:

1 Under 28 U.S.C. § 3205(b)(1), the United States files an application for writ of garnishment containing information specified therein. If the Court determines the statutory requirements are met, the Court shall issue the writ of garnishment. 28 U.S.C. § 3205(c)(1). After issuance of the writ, the United States serves the writ on the defendant and the garnishee and certifies to the Court that it has done so. 28 U.S.C. § 3205(c)(3). Included with the service of the writ on the garnishee are instructions explaining the requirement that the garnishee withhold property in accordance with the writ and submit a written answer to the writ within 10 days of receipt. 28 U.S.C. §§ 3205(c)(2)(E), 3205(c)(3)(A), 3205(c)(6). Included with the service of the writ on the defendant are instructions for objecting to the answer of the garnishee and requesting a hearing within 20 days after receipt. 28 U.S.C. §§ 3205(c)(3)(B), 3205(c)(5). If no objection is filed and hearing is requested within the required time period, the court shall promptly enter an order directing the garnishee as to the disposition of the judgment debtor's nonexempt interest in such property. If a hearing is timely requested, the order shall be entered within 5 days after the hearing, or as soon as practicable. 28 U.S.C. § 3205(c)(7).

1. On January 17, 2018, a Judgment entered in the United States District Court for the District of Massachusetts against the Defendant, social security number ***-**-5534, last known address in Alderson, WV.

2. The Defendant is indebted for the judgment amount of \$4,293,312.00, plus accrued interest at the rate of 1.880% percent per day. The current total balance is \$4,269,836.34.

3. Pursuant to 28 U.S.C. § 3205(b)(1)(B), the United States made demand for payment of the aforementioned debt upon not less than 30 days prior to the date of this Application, and the Defendant has failed to satisfy the debt.

4. The United States believes the Garnishee is in possession or control of funds belonging to the Defendant, and that the Defendant has a substantial nonexempt interest in such funds and/or property. This Writ is intended to compel the Garnishee to pay to the Clerk of the United States District Court all funds held on behalf of the Defendant to be applied towards the outstanding judgment debt.

WHEREFORE, the United States respectfully requests the Clerk of the United States District Court issue a Writ of Garnishment.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

ANDREW E. LELLING
United States Attorney

By: /s/ Brendan T. Mockler
BRENDAN T. MOCKLER (BBO 569140)
Assistant United States Attorney
One Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3197
brendan.mockler@usdoj.gov

Date: April 10, 2018

IT IS, on this 19th day of June, 2018.

ALLOWED, that the Clerk of the Court shall issue the Writ of Garnishment.


UNITED STATES DISTRICT COURT